

**REDACTED VERSION  
PURSUANT TO 35-A M.R.S.A. § 704(5)**

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

Docket No. 2002-307

July 18, 2002

Appeal Of Consumer Assistance  
Division Decision #2002-12757 Regarding  
Verizon Maine

ORDER

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

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**I. SUMMARY**

We uphold the May 20, 2002 decision of the Consumer Assistance Division (CAD) finding that Verizon properly notified **[Customer]** concerning a pending disconnection of his phone service for non-payment.

**II. BACKGROUND AND DECISION**

On May 1, 2002, **[Customer]** complained to CAD that Verizon had mailed him a disconnection notice dated April 15, 2002 which stated that disconnection of his telephone service would occur on May 1, 2002, or within 10 days thereafter, unless payment or an arrangement for payment was made on his outstanding balance of \$184.75. **[Customer]** had not made a payment on his account since February 2002. **[Customer]** claims that because the envelope was postmarked April 16, Verizon violated Chapter 81 when it disconnected his service on May 1, 2002. **[Customer]** also claims Verizon violated Chapter 81 by only attempting to call him at home three times and not calling him at his business number as he had previously requested. He also claims a Verizon service person had been rude and hung up on him when he tried to resolve the matter.

On May 20, 2002, CAD issued its decision. CAD found that Verizon correctly complied with Chapter 81's requirement, as the disconnection did not occur until 14 days after the April 16 postmark date. CAD further found that Verizon made 3 attempts to call **[Customer]** and that service was reconnected on May 16, the day Verizon received payment.

On May 28, 2002, **[Customer]** appealed CAD's decision to the Commission. **[Customer]** continues to claim that because the envelope was postmarked April 16, Verizon violated Chapter 81 when it disconnected his service on May 1, 2002 and that Verizon violated Chapter 81 by only attempting to call him at home three times and not calling him at his business number as he had previously requested.

We find that Verizon complied with Chapter 81's requirements. Chapter 81(9)(B) provides that where a customer fails to pay (pursuant to section 7(A)(1)): "A utility must provide written notice of intent to disconnect at least fourteen (14) calendar days before the stated disconnection date." Chapter 81(10)(B) further provides that a "telephone utility must make a reasonable effort to contact the customer by telephone before

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disconnection occurs." The purpose of the 14-day notice requirement and the personal contact attempts is to ensure that customers have notice that a disconnection is pending so they can contact the utility to pay the bill or make a payment arrangement to avoid the disconnection.

We have interpreted Chapter 81's requirement that a utility "provide" written notice 14 days before disconnection to be met if the postmark on the notice is at least 14 days before disconnection occurs.<sup>1</sup> In this instance, it is clear that **[Customer]** had notice. Verizon did not disconnect until 14 days after the postmark date. There did appear to be confusion on the representative's part about whether **[Customer]** wanted to be contacted at his business number. If Verizon accepts alternative numbers it should create a clear field so that its representatives know about the number. Nonetheless, Chapter 81 does not require Verizon to attempt contact at an alternative number. Verizon has agreed that its representative should not have hung up on **[Customer]** and has counseled its representative. Given that Verizon did not violate Chapter 81, we find no reason to investigate this matter further and uphold CAD's decision.

Dated at Augusta, Maine, this 18<sup>th</sup> day of July, 2002.

BY ORDER OF THE COMMISSION

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Raymond J. Robichaud  
Assistant Administrative Director

COMMISSIONERS VOTING FOR:      Nugent  
   Diamond

COMMISSIONER ABSENT:              Welch

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<sup>1</sup> This is unlike our procedural rules, which mirror the Rules of Civil Procedure, in allowing three days to be added to any prescribed time period when service is by mail. See Chapter 110 § 305.

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**NOTICE OF RIGHTS TO REVIEW OR APPEAL**

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within **21 days** of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.